



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 21, 1998

Ms. Marva M. Gay  
Assistant County Attorney  
Harris County  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002-1700

OR98-1285

Dear Ms. Gay:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115438.

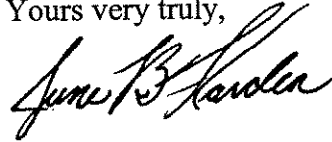
Judge H.N. McElroy, Harris County Justice of the Peace, received a request for various information relating to the management of his office, as well as information pertaining to the prosecution of traffic cases. You contend that Judge McElroy need not comply with the request because the requested materials are records of the judiciary, and as such, are not subject to the Open Records Act.

The requestor seeks documents that are records of the judiciary. You state that "the request should be denied because the request calls for documents of the judiciary." We agree. The Open Records Act does not apply to records of the judiciary. Gov't Code § 552.003(B). Consequently, these records need not be release under the Open Records Act. Attorney General Opinion DM-166 (1992). *But see Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ); Open Records Decision No. 646 (1996) at 4 ("The function that a governmental entity performs determines whether the entity falls within the judiciary exception to the Open Records Act."). As records of the judiciary, however, the information may be public by other sources of law. Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974); *see Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 115438

cc: Mr. Howard G. Barker  
American Drivers Association  
200 Gate Way Center, Suite 326  
Liberty City, Texas 75662